

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

MACHA IP LLC

PLAINTIFF,

v.

A&R ALLIED ENTERPRISE, INC; ET AL.

DEFENDANTS.

CIVIL ACTION NO. 6:10-cv-594

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

The plaintiff, Macha IP LLC and defendant Amazon.com, Inc. d/b/a Amazon.com (“Amazon.com”) pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims and counterclaims in this action asserted between them WITH PREJUDICE, provided however, that dismissal is without prejudice to Amazon.com’s right, in any future litigation in which infringement of U.S. Patent No. 5,758,767 or any related patent has been asserted against Amazon.com or its customers, to reassert any counterclaim or defense, with each party to bear its own costs, expenses and attorneys fees.

December 2, 2011

Respectfully submitted,

MACHA IP LLC

By: /s/ Andrew P. Tower
Andrew W. Spangler – LEAD COUNSEL
Texas Bar No. 24041960
Spangler Law P.C.
208 N. Green Street, Suite 300
Longview, Texas 75601
(903) 753-9300
(903) 553-0403 (fax)
spangler@spanglerlawpc.com

John J. Edmonds
Texas Bar No. 789758

Andrew P. Tower
Texas State Bar No. 00786291
COLLINS, EDMONDS & POGORZELSKI, PLLC
1616 S. Voss Rd., Ste. 125
Houston, Texas 77057
Telephone: (281) 501-3425
Facsimile: (832) 415-2535
jedmonds@cepiplaw.com
atower@cepiplaw.com

ATTORNEYS FOR PLAINTIFF MACHA IP LLC

By: /s/ Robert T. Cruzen
Robert T. Cruzen
Oregon State Bar No. 080167
robert.cruzen@klarquist.com
James E. Geringer
Oregon State Bar No. 951783
james.geringer@klarquist.com
KLARQUIST SPARKMAN, LLP
121 S.W. Salmon Street, Suite 1600
Portland, Oregon 97204
Telephone: 503-595-5300
Facsimile: 503-595-5301

Attorneys for Defendant Amazon.com, Inc.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

December 2, 2011

/s/ Andrew P. Tower
Andrew P. Tower